

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION (DAYTON)**

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THE PROCTER & GAMBLE COMPANY,  
  
Plaintiff/Counterclaim - Defendant,  
  
v.  
  
THE COCA-COLA COMPANY,  
  
Defendant/Counterclaim - Plaintiff.

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)  
) Civil Action No.: C-1-02-393  
)  
) Hon. Walter Herbert Rice (Judge)  
)  
) Hon. Sharon Ovington (Magistrate)

**JOINT MOTION FOR A TELEPHONE STATUS CONFERENCE TO CLARIFY THE  
TRIAL SCHEDULE**

The plaintiff/counterclaim-defendant, The Procter & Gamble Company, and the defendant/counterclaim-plaintiff, The Coca-Cola Company, respectfully submit this Joint Motion for a Telephone Status Conference to Clarify the trial schedule in the above-captioned case. As grounds for this Joint Motion, the parties state:

1. On March 27, 2004, the Court entered an Order amending the then-scheduled deadlines for completing pretrial proceedings in anticipation of the November 8, 2004 trial date.
2. On July 27, 2004, the parties submitted a Joint Motion to Extend Schedule, requesting that the Court reschedule the deadline for filing summary judgment motions to 30 days following the Court's issuance of a decision on claim construction, and that all subsequent case deadlines be adjusted accordingly. The Court granted that Joint Motion by Order dated July 29, 2004.
3. Notwithstanding the entry of the July 29, 2004 Order, it appears from the Court's CM/ECF system that the trial of this matter is still scheduled to begin on November 8, 2004.

4. In view of the apparent discrepancy between the Court's July 29, 2004 Order and the Court's calendar, the parties are uncertain whether the trial date has been amended along with the remaining pretrial deadlines.

5. The parties respectfully request that the Court modify the November 8, 2004 trial date to a telephone status conference. During this conference, the parties can discuss with the Court the rescheduling of the pretrial deadlines and the trial date to approximately four and a half months after the issuance of the Court's claim construction ruling, on a date to be determined by the Court. The parties respectfully include a proposed Order with the relief requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

THE COCA-COLA COMPANY

By it attorneys,

By its attorneys,

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